## **EXHIBIT A**

Case 2:08-cv-00083-MHM Document 49 Filed 01/31/08 Page 1 of 2 1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 FOR THE DISTRICT OF ARIZONA 7 8 No. CV 08-83-PHX-MHM 9 James Stickle, et al. **ORDER** Plaintiffs, 10 11 VS. 12 SCI Western Market Support Center, L.P. 13 14 Defendants. 15 16 Pending before the Court are Plaintiffs' Motion for Expedited Collective Action 17 Notification (Doc. #3) and Motion for Expedited Briefing on Their Motion for Collective 18 Action Notification (Doc. # 5). Also pending are Defendants' Motion to Stay (Doc. # 46) 19 and Motion for Expedited Consideration of Defendants' Motion to Stay (Doc. #47). 20 The Court having reviewed said motions, and finding that Plaintiffs have not 21 demonstrated that expedited action regarding notification and briefing related thereto is 22 23 warranted, IT IS ORDERED denying Plaintiffs' Motion for Expedited Collective Action 24 Notification without prejudice to refiling a motion for class notification after the Court rules 25 on Defendants' forthcoming Motion to Dismiss. (Doc. #3) 26 IT IS FURTHER ORDERED denying Plaintiffs' Motion for Expedited Briefing on 27

Their Motion for Collective Action Notification. (Doc. # 5)

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#### Case 2:09-cv-05533-CMR Document 32-1 Filed 12/10/09 Page 3 of 16

Case 2:08-cv-00083-MHM Document 49 Filed 01/31/08 Page 2 of 2

 In light of the Court's ruling above,

IT IS FURTHER ORDERED denying Defendants' Motion to Stay. (Doc. # 46)

IT IS FURTHER ORDERED granting Defendants' Motion for Expedited Consideration of Defendants' Motion to Stay. (Doc. # 47)

IT IS FURTHER ORDERED that Defendants shall file their Motion to Dismiss by Friday, February 8, 2008.

IT IS FURTHER ORDERED granting Plaintiffs until Friday, February 22, 2008, to file a Response thereto, and granting Defendants until Friday, February 29, 2008, to file a Reply.

DATED this 31st day of January, 2008.

# **EXHIBIT B**

**MEDIATION** 

# U.S. DISTRICT COURT U.S. District Court, Western District of New York (Buffalo) CIVIL DOCKET FOR CASE #: 1:08-cv-00380-WMS

Hinterberger et al v. Catholic Health System, Inc. et al

Assigned to: Hon. William M. Skretny Related Cases: 1:08-cv-00948-WMS 1:08-cv-00952-WMS

Cause: 29:201 Fair Labor Standards Act

Date Filed: 05/23/2008 Jury Demand: Plaintiff

Nature of Suit: 710 Labor: Fair

Standards

Jurisdiction: Federal Question

**Plaintiff** 

Gail Hinterberger

represented by J. Nelson Thomas

Thomas & Solomon LLP 693 East Avenue Rochester, NY 14607 585-272-0540

585-272-0540 Fax: 585-272-0574

Email:

nthomas@theemploymentattorneys.com

LEAD ATTORNEY ATTORNEY TO BE NOTICED

Michael J. Lingle

Thomas & Solomon LLP 693 East Avenue Rochester, NY 14607

585-272-0540 Fax: 585-272-0574

Email:

mlingle@theemploymentattorneys.com

ATTORNEY TO BE NOTICED

**Plaintiff** 

**Beverly Weisbecker** 

represented by J. Nelson Thomas

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael J. Lingle

(See above for address)

ATTORNEY TO BE NOTICED

**Plaintiff** 

06/10/2008		E-Filing Notification: <i>No Proof of Service provided for</i> 53 AFFIRMATION by J. Nelson Thomas. (DLC) (Entered: 06/11/2008)
06/11/2008	54	CONSENT TO BECOME A PARTY PLAINTIFF by J. Nelson Thomas on behalf of all plaintiffs. (Thomas, J.) (Entered: 06/11/2008)
06/11/2008	61	Minute Entry for proceedings held before William M. Skretny U.S.D.J.: Status Conference held on 6/11/2008. Plaintiffs asserted that all Defendants had been served with the motion papers, summons, and complaint. Court indicated that affidavits of service should reflect that motion papers had been served on all Defendants. Defendant Catholic Health East asserted that it was not properly served, but would be willing to waive service provided that it was provided with a waiver. Court directed parties not to submit letters, and indicated that it would give Defendants an opportunity to respond to Plaintiffs motion. Court stayed Defendants Response to Plaintiffs Motion for Expedited Notice and Motion for Expedited Hearing. Court would not stay Defendants Response to the Complaint. Court set a status conference for 6/23/2008, at 9:00 AM, to work which Defendants had been served and were represented. Court directed attorneys for Catholic Health East to file the necessary applications to be admitted in the W.D.N.Y. For the pltfs J. Nelson Thomas, Justin Cordello, Michael Lingle. For deft. Catholic Health East - Steven Bizar and Chritopher Hapka. For Catholic Health System defts Mark Molloy, Todd Shineman. (Court Reporter Michelle McLaughlin.) (MEAL) (Entered: 06/16/2008)
06/12/2008		E-Filing Notification: SUMMONS Returned Executed (filed by Thomas, J.) must be re-filed with the front page of the summons included. (DLC) (Entered: 06/12/2008)
06/12/2008	<u>55</u>	CONSENT TO BECOME A PARTY PLAINTIFF by J. Nelson Thomas on behalf of all plaintiffs. (Thomas, J.) (Entered: 06/12/2008)
06/12/2008	<u>56</u>	SUMMONS Returned Executed by Gail Hinterberger, Beverly Weisbecker, Cynthia Williams, Marcia Carroll. (Thomas, J.) (Entered: 06/12/2008)
06/13/2008		E-Filing Notification: ALL SUMMONS Returned Executed (filed by Thomas, J.) must be re-filed with the front page of the summons included. (DLC) (Entered: 06/13/2008)
06/13/2008	57	NOTICE of Appearance by Mark Andrew Molloy on behalf of Catholic Health System, Inc. (Molloy, Mark) (Entered: 06/13/2008)
06/13/2008	58	MOTION for Extension of Time to File Response to Plaintiff's Complaint and for Extension of Page Limits by Catholic Health System, Inc(Molloy, Mark) (Entered: 06/13/2008)
06/13/2008	59	CONSENT TO BECOME A PARTY PLAINTIFF by J. Nelson Thomas on behalf of all plaintiffs. (Thomas, J.) (Entered: 06/13/2008)
06/13/2008	60	MOTION to Expedite Hearing of Catholic Health Systems' Motion for Extension of Time to Respond to Complaint by Catholic Health System, Inc (Attachments: # 1 Exhibit A & B)(Molloy, Mark) (Entered: 06/13/2008)
06/16/2008	62	TEXT ORDER. IT HEREBY IS ORDERED that Defendants' Response to the Complaint is STAYED through the status conference on 6/23/2008. 58

06/19/2008	72	MEMORANDUM in Opposition re 58 MOTION for Extension of Time to File Response to Plaintiff's Complaint and for Extension of Page Limits filed by Gail Hinterberger, Beverly Weisbecker, Cynthia Williams, Marcia Carroll. (Thomas, J.) (Entered: 06/19/2008)
06/19/2008	73	AFFIRMATION signed by J. Nelson Thomas re 72 Memorandum in Opposition to Motion filed by Gail Hinterberger, Beverly Weisbecker, Cynthia Williams, Marcia Carroll. (Attachments: # 1 Exhibit A)(Thomas, J.) (Entered: 06/19/2008)
06/19/2008	74	CERTIFICATE OF SERVICE by Gail Hinterberger, Beverly Weisbecker, Cynthia Williams, Marcia Carroll re 72 Memorandum in Opposition to Motion, 73 Affirmation (Lingle, Michael) (Entered: 06/19/2008)
06/20/2008	75	MOTION for Leave to Appear pro hac vice admission of Christopher M. Hapka by Catholic Health East.(Romanow, Andrew) (Entered: 06/20/2008)
06/20/2008	76	TEXT ORDER. IT HEREBY IS ORDERED that due to this Court's ongoing trial, the Status Conference previously scheduled for 6/23/2008 at 9:00 a.m. is ADJOURNED to 6/24/2008 at 9:00 a.m FURTHER, that all stays shall remain in effect until that time. SO ORDERED. Issued by William M. Skretny U.S.D.J. on 6/20/2008. (MEAL) (Entered: 06/20/2008)
06/20/2008	77	TEXT ORDER. IT HEREBY IS ORDERED that due to this Court's ongoing trial, the Status Conference previously scheduled for 6/23/2008 at 9:00 a.m. is ADJOURNED to 6/24/2008 at 9:00 a.m FURTHER, that all stays shall remain in effect until that time. SO ORDERED. Issued by William M. Skretny U.S.D.J. on 6/20/2008 (Re-filed due to possible transmission error.) (MEAL) (Entered: 06/20/2008)
06/20/2008	78	CONSENT TO BECOME A PARTY PLAINTIFF by J. Nelson Thomas on behalf of all plaintiffs. (Thomas, J.) (Entered: 06/20/2008)
06/23/2008	79	NOTICE of Appearance by Michael J. Lingle on behalf of all plaintiffs (Lingle, Michael) (Entered: 06/23/2008)
06/23/2008	80	CERTIFICATE OF SERVICE by Gail Hinterberger, Beverly Weisbecker, Cynthia Williams, Marcia Carroll re 79 Notice of Appearance (Lingle, Michael) (Entered: 06/23/2008)
06/23/2008		E-Filing Notification: Document is not in compliance with signature requirements; signer and e-filer must be the same; motion will be terminated 75 MOTION for Leave to Appear pro hac vice admission of Christopher M. Hapka (SG) (Entered: 06/23/2008)
06/24/2008	83	Minute Entry for proceedings held before Hon. William M. Skretny: Status Conference held on 6/24/2008. Attorney Molloy advised the Court that he will represent and accept service for all Defendants except Catholic Health East, and Chestnut Ridge Family Practice, PLLC. Molloy advised that Chestnut Ridge Family Practice was not a PLLC, and was an entity in name only. Attorney Hapka advised the Court that he will represent Catholic Health East, and that he agreed to accept a waiver of service. Attorney Hapka asserted that Catholic Health East had no employees that would be covered by Plaintiffs

## **EXHIBIT C**

# U.S. DISTRICT COURT U.S. District Court, Western District of New York (Buffalo) CIVIL DOCKET FOR CASE #: 1:08-cv-00378-WMS

Gordon et al v. Kaleida Health et al Assigned to: Hon. William M. Skretny Related Cases: 1:08-cv-00950-WMS

1:08-cv-00951-WMS

Cause: 29:201 Fair Labor Standards Act

Date Filed: 05/22/2008
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair

Value of Suit. 710 Bub

Standards

Jurisdiction: Federal Question

**Plaintiff** 

Catherine Gordon

represented by J. Nelson Thomas

Thomas & Solomon LLP 693 East Avenue Rochester, NY 14607 585-272-0540 Fax: 585-272-0574

Email:

nthomas@theemploymentattorneys.com

LEAD ATTORNEY ATTORNEY TO BE NOTICED

Michael J. Lingle

Thomas & Solomon LLP 693 East Avenue Rochester, NY 14607 585-272-0540 Fax: 585-272-0574

Email:

mlingle@theemploymentattorneys.com

ATTORNEY TO BE NOTICED

**Plaintiff** 

James Schaffer

represented by J. Nelson Thomas

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael J. Lingle (See above for address)

ATTORNEY TO BE NOTICED

**Plaintiff** 

Teresa Thompson

represented by J. Nelson Thomas

(See above for address)

		06/10/2008)	
06/10/2008 49		SUMMONS Returned Executed by Catherine Gordon, James Schaffer, Teresa Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdon. David R. Whipple served on 5/30/2008, answer due 6/19/2008. (Thomas, J.) (Entered: 06/10/2008)	
Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdon, Ja		SUMMONS Returned Executed by Catherine Gordon, James Schaffer, Teresa Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdon. James R. Kaskie served on 5/30/2008, answer due 6/19/2008. (Thomas, J.) (Entered: 06/10/2008)	
TI M		SUMMONS Returned Executed by Catherine Gordon, James Schaffer, Teresa Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdon. Community Medical PC served on 6/2/2008, answer due 6/23/2008. (Thomas, J.) (Entered 06/10/2008)	
06/10/2008 52		SUMMONS Returned Executed by Catherine Gordon, James Schaffer, Teresa Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdon. Westlink Corporation served on 6/2/2008, answer due 6/23/2008. (Thomas, J.) (Entered: 06/10/2008)	
06/10/2008 53		AFFIRMATION signed by J. Nelson Thomas re 9 MOTION to Certify Cl (Pursuant to Fair Labor Standards Act) filed by Catherine Gordon, James Schaffer, Teresa Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdo (Thomas, J.) (Entered: 06/10/2008)	
06/10/2008 <u>54</u> C		CONSENT TO BECOME A PARTY PLAINTIFF by J. Nelson Thomas on behalf of all plaintiffs. (Thomas, J.) (Entered: 06/10/2008)	
06/11/2008 62		Minute Entry for proceedings held before William M. Skretny U.S.D.J: State Conference held on 6/11/2008. Plaintiffs asserted that all Defendants had be served with the motion papers, summons, and complaint. Court indicated the affidavits of service should reflect that motion papers had been served on a Defendants. Court directed parties not to submit letters, and indicated that would give Defendants an opportunity to respond to Plaintiffs motion. Coustayed Defendants' Response to Plaintiffs' Motion for Expedited Notice an Motion for Expedited Hearing. Court would not stay Defendants' Response the Complaint. Court set a status conference for 6/23/2008, at 9:00 AM, to work which Defendants had been served and were represented. For the plt J. Nelson Thomas, Justin Cordello, Michael Lingle. For the Kaleida defts. Susan Roney. (Court Reporter Michelle McLaughlin.) (MEAL) (Entered: 06/16/2008)	
06/12/2008		E-Filing Notification: Summons Returned Executed documents numbered 28 through 36 do not contain a caption or case number and are to be refiled to include the information. (SG) (Entered: 06/12/2008)	
06/12/2008	E-Filing Notification: Summones Returned Exectued documents num through 52 to do not contain the case caption or case number; documbe refiled to include the information (SG) (Entered: 06/12/2008)		
06/12/2008		No Proof of Service provided re 53 AFFIRMATION signed by J. Nelson	

06/24/2008	87	Minute Entry for proceedings held before Hon. William M. Skretny: Status
	0/	Conference held on 6/24/2008. Attorney Roney advised the Court that Defendants Kaleida Health and James R. Kaskie have been served and that she will represent them and that she will represent the following Defendants for whom Kaleida Health has agreed to accept service: MFHS Managed Care, Inc.; Kaleida Properties, Inc.; Family Pharmaceuticals; Visiting Nursing Association of Western New York, Inc.; VNA Home Care Services, Inc.; VNA of WNY, Inc.; General Homecare, Inc.; Waterfront Health Care Center, Inc.; Kaleida Health Foundation; and The Women and Children's Hospital of Buffalo Foundation. Roney advised the Court that the following Defendants have not been served and that Kaleida Health cannot accept service for them: David R. Whipple; Westlink Corporation; Kaleida IPA, LLC; Kaleida MCO, LLC; Schenk Physical Therapy, PC; General Physicians PC; Millard Fillmore Ambulatory Surgery Center; Community Medical PC; and Schenk Physical Therapy, PC. The Court was further advised tha Grace Manor Health Care Facility, Inc. is in receivership and that Kaleida Health cannot accept service. Attorney Thomas advised the Court that service had been made on all represented Defendants and that all Defendants who had not yet been served were being served personally. Defendants responses to Plaintiffs' 9 20 Motions are due 8/8/2008. Plaintiffs' Reply due 8/22/2008. Court grants Defendants 59 Motion for an Extension of Time to file a Motion to Dismiss. Defendants' Motion to Dismiss is now due 7/1/2008. Plaintiffs' Response is due 8/1/2008. Defendants Reply is due 8/22/2008. Court grants Defendants' request to file a 50-page brief. An additional status conference is scheduled for 9/4/2008 at 10:00 a.m. before William M. Skretny, U.S.D.J. For the pltfs J. Nelson Thomas, Michael Lingle, Patrick J. Soloman. For the defts. (see above) - Susan Roney. (Entered: 06/30/2008)
06/25/2008	81	CONSENT TO BECOME A PARTY PLAINTIFF by J. Nelson Thomas on behalf of all plaintiffs. (Thomas, J.) (Entered: 06/25/2008)
06/26/2008	82	CONSENT TO BECOME A PARTY PLAINTIFF by J. Nelson Thomas on behalf of all plaintiffs. (Thomas, J.) (Entered: 06/26/2008)
06/27/2008	83	CERTIFICATE OF SERVICE by Catherine Gordon, James Schaffer, Teresa Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdon re 53 Affirmation (Thomas, J.) (Entered: 06/27/2008)
06/27/2008	84	CERTIFICATE OF SERVICE by Catherine Gordon, James Schaffer, Teresa Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdon re 53 Affirmation (Thomas, J.) (Entered: 06/27/2008)
06/27/2008	85	CERTIFICATE OF SERVICE by Catherine Gordon, James Schaffer, Teresa Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdon re 53 Affirmation (Thomas, J.) (Entered: 06/27/2008)
06/27/2008	86	CERTIFICATE OF SERVICE by Catherine Gordon, James Schaffer, Teresa Thompson, Pamela Mika, Jennifer Pfentner, Diana Galdon re 53 Affirmation (Thomas, J.) (Entered: 06/27/2008)
06/30/2008		CALENDAR ENTRY: A Status Conference is scheduled for 9/4/2008 at

# **EXHIBIT D**



NEDACTED

August 3, 2009

#### Re: Philadelphia Health Care Investigations

REGACTED

You may be owed back wages from your employer for situations including when you worked during your meal break. Please complete the enclosed forms and return them to our office in the postage paid envelope to participate in the investigation.

Our investigation has revealed that many hourly employees in the health care industry are not paid for all the hours they work, especially during their meal periods.

Some of the health care employers that we are investigating in Philadelphia include, but are not limited to:

- Jefferson Health System
- University of Pennsylvania Health System
- Tenet Healthcare Corp. (including Hahnemann University Hospital and St. Christopher's Hospital for Children)
- Temple University Health System
- Virtua Health

- Mercy Health System
- Crozer-Keystone Health System
- Lourdes Health System
- Kennedy Health System
- Community Health System
- Abington Memorial Hospital
- Cooper University Hospital
- Children's Hospital of Philadelphia
- Albert Einstein Healthcare Network

It is critical that you tead the enclosed Fact Sheet in its entircty and visit www.hospitalovertime.com for important information about our legal team's investigations and class action lawsuits.

Please feel free to contact me at our toll free number, 1-877-272-4066 with any questions or concerns regarding the investigation.

Very truly yours,

J. Nelson Thomas

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ATTORNEY ADVERTISING

Prior results do not guarantee a similar outcome.

We obtained your name from publically available information directories of nursing licenses and self-reported information.

693 East Avenue, Rochester, New York 14607 tel: 1-877-272-4066 fax: 877-272-4088 nthomas@theemploymentattorneys.com • www.theemploymentattorneys.com



## **HOSPITAL OVERTIME FACT SHEET**

### How do I participate in the investigation?

Return Both Consent Form and Information Sheet. We have not yet decided whether to file a lawsuit against any health care employers in the Greater Philadelphia area. If we decide to file a lawsuit in which we believe you might recover money we would then file your Consent Form to ask for your back wages. If you would rather just speak with us about our investigation, then complete only the Information Sheet. Although that means we would not have your authorization to ask the Court to give you money, submitting only the Information Sheet will allow us to learn more about your health care employment experience and alert you if a lawsuit is filed against your employer. We will not tell your employer that you submitted an information sheet.

## Is there any urgency to complete the Consent Form?

Yes! Depending on your circumstances – rules called the statutes of limitations, may mean that any delay in returning the Consent Form can cost you back wages.

### Are others participating in this investigation?

You Are Not Alone. Although our investigations of the health care industry are relatively new, over 3,000 other health care employees have asked to participate in our similar investigations and class action lawsuits. Furthermore, federal law protects all employees taking part in any lawsuit to recover their overtime pay and prohibits an employer from taking adverse employment against any employee participating in overtime pay litigation. And until any lawsuit is filed, we will not tell your employer that you submitted the consent form.

## How would your law firm be compensated in this case?

You Do Not Need To Pay Any Upfront Legal Fccs. Any legal fees would be paid by your employer, or approved by the court and come from a settlement fund as a whole. Therefore while legal fccs might reduce the total amount potentially received by all the plaintiffs, they will not come from you personally.

#### When does our representation start?

Our representation of you will start only if we decide to commence a lawsuit and you decide to participate and we file your Consent Form with the Court which would cover only unpaid wage claims listed in the complaint. Choosing a lawyer is an important decision and you should select a lawyer to represent you who you feel can best protect your interests. Please contact us if you have any questions.

#### INFORMATION SHEET

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Please note that our representation of you will start only if we file a lawsuit and we submit your Consent Form in court seeking payment of unpaid wages, and other claims arising out of wage and hour law.

PLEASE RETURN TO

Hospital Overtime Class Action Lawsuits & Investigations

Print Full Legal Name

Thomas & Solomon LLP 693 East Avenue Rochester, New York 14607

If you have any additional questions, feel free to contact the law firm above at www.hospitalovertime.com (Website) info@hospitalovertime.com (e-mail) 1.877.272.4066 (telephone M-F 8:30A-5:30P ET) 877.272.4088 (facsimile)

# CONSENT TO BECOME A PARTY PLAINTIFF.

I consent to become a "party plaintiff," named, or a representative plaintiff in any Fair Labor Standards Act action of unpaid wages, including overtime wages, and related relief against my employer(s), on behalf of myself and other former and current employees of the employer(s).

(PLEASE CHECK ALL THAT APPLY)
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I authorize the representative plaintiffs or plaintiffs' attorneys to file this consent with the Clerk of the Court. I hereby further authorize and designate the named plaintiffs to act on my behalf concerning the litigation, this investigation, consideration of settlement and attorneys' fees and costs, and all other matters pertaining to this lawsuit.
IGMBRIT.

Signature			
	,		
Print Full Legal Name		•	•
Consent to Opt-In 51004		•	